AL SMITHSON, Esq.
830 23rd Street
San Diego, California 92102

(619) 234-8729

Attorney State Bar No. 51611

Attorney for Material Witnesses:
APOLINAR SANTOS-DE ASIS
PERFECTO TOTO-CRUZ
VICENTE ALVARDO-VICTORIA
FRANCISCO DIEGO-BENABE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(Honorable ANTHONY J. BATTAGLIA)

UNITED STATES OF AMERICA, Plaintiff, v. RICARDO IVAN PALOS-MARQUEZ, Defendant.	CRIMINAL CASE 08CR0547-JM MAGISTRATE CASE 08MJ0385-AJB DATE: March 20, 2008 TIME: 1:30 P.M. COURTROOM A NOTICE OF MOTION AND MOTION FOR ORDER SETTING VIDEO DEPOSITION OF MATERIAL WITNESSES APOLINAR SANTOS-DE ASIS PERFECTO TOTO-CRUZ VICENTE ALVARDO-VICTORIA FRANCISCO DIEGO-BENABE

TO: ALL NAMED PARTIES AND THEIR ATTORNEYS and ASSISTANT UNITED STATES ATTORNEY, Attorney for Plaintiff, THE UNITED STATES.

PLEASE TAKE NOTICE that on Thursday, March 20, 2008 at 1:30 P.M. in the Courtroom A of the Honorable ANTHONY J. BATTAGLIA, or as soon thereafter as counsel may be heard, the material witnesses, APOLINAR SANTOS-DE ASIS, PERFECTO TOTO-CRUZ, VICENTE ALVARDO-VICTORIA and FRANCISCO DIEGO-BENABE, by and through counsel, AL SMITHSON, will bring the above entitled motion.

MOTION

The material witnesses, APOLINAR SANTOS-DE ASIS, PERFECTO TOTO-CRUZ, VICENTE ALVARDO-VICTORIA and FRANCISCO DIEGO-BENABE, by and through counsel, AL SMITHSON, and pursuant to Rule 15(a) of the Federal Rules of Criminal Procedure, and pursuant to 18 U.S.C. Section 3144, moves for an order to secure a video deposition of testimony of these material witnesses pending trial, and for an Order for release from custody immediately thereafter.

This motion will be made on the grounds that these witnesses are unable to meet any condition of release and that their testimony can be adequately secured by deposition and that detention is not necessary to prevent a failure of justice and that further detention imposes a severe hardship on the witnesses and their families.

This motion will be based upon the Declaration of Attorney AL SMITHSON, the Memorandum of Points and Authorities in support of this motion, and all documents and records on file herein, and upon such oral testimony as the Court may deem proper.

DATED: March 4, 2008

/s/ Al Smithson
AL SMITHSON, Attorney for
APOLINAR SANTOS-DE ASIS
PERFECTO TOTO-CRUZ
VICENTE ALVARDO-VICTORIA
FRANCISCO DIEGO-BENABE